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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/773,139	
	Filing Date	January 31, 2001	
	First Named Inventor	Otero, Hernan G.	
	Art Unit	3628	
	Examiner Name	Borlinghaus, Jason M.	
Total Number of Pages in This Submission	4	Attorney Docket Number	G08.050

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below: Reply to Examiner's Answer and Acknowledgement Postcard.)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Buckley, Maschoff & Talwalkar LLC		
Signature			
Printed name	Nathaniel Levin		
Date	August 11, 2006	Reg. No.	34,860

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AFED
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: OTERO et al.

Application Serial No.: 09/773,139

Filing Date: January 31, 2001

For: APPARATUS, METHODS AND
ARTICLES OF MANUFACTURE
FOR CONSTRUCTING AND
EXECUTING TRANSACTION
PROCESSES AND PROGRAMS

)
)
) Group Art Unit: 3628

)
) Examiner: Jason M. Borlinghaus

)
) **REPLY TO EXAMINER'S ANSWER**

)
) Attorney Docket No.: G08.050

)
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Dated: August 11, 2006

By:


Edith Martin

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Examiner's Answer mailed on June 13, 2006, the following remarks are respectfully submitted.

Regarding claims 8, 9 and 19-23

Appellants will generally stand on the arguments contained in their Appeal Brief, except to debunk the Examiner's proposal that the specific quantity of shares defined in a particular order may constitute a "limit on trading volume applicable in a ... market".

In considering the well known “Immediate or Cancel” (IOC) order to be relevant to the claimed “limit on trading volume” the Examiner ignores the wording of the claim which specifies that the limit on trading volume is “applicable in a ... market”. Thus the limit on trading volume is an attribute of a market, not an attribute of a particular order, and would be clearly understood by those who are skilled in the art as applying to an aggregate of trades which occur in the market during a particular period of time. In view of the well established meaning of trading volume as an attribute of a market, and the claim language that invokes this meaning, it is not reasonable to interpret the phrase “limit on trading volume applicable in a ... market” as encompassing the quantity of shares specified for a particular order, since the quantity of shares in that case is the attribute of an order, not of a market in which an order is placed. It follows that the practice of IOC orders is not relevant to the claim limitation of plural market plug-ins each implementing a limit on trading volume applicable to a respective market. Thus the Examiner’s analysis fails at the point of novelty, and the Examiner has failed to make a prima facie case of obviousness with respect to claim 8 and the claims which it represents. Appellants submit that reversal of the pending rejection of these claims is in order.

Regarding claims 28-39

Appellants will again stand on the arguments made in their Appeal Brief, except to note that the Examiner has not in any way rebutted or addressed in his Answer the appellants’ point that the compliance module described in the “Handbook” appears to implement rules governing operation of a securities firm, and not “rules for a ... market”, as recited in claim 28. As such, the compliance module does not satisfy the claimed “market plug-ins for implementing rules for a respective market”.

Regarding claims 29 and 36

In failing to specifically address these claims in his Answer, the Examiner overlooks differences in wording in the claims, and the differences in the combinations of references respectively applied to claim 8 and to claim 29. In particular, the Examiner proposes in regard to claim 29 a combination of the IOC order practice with the compliance module described in the “Handbook”. This ignores the Examiner’s (erroneous) contention that the compliance module

implements market rules, and that the transaction-oriented IOC practice is irrelevant to limits on trading volume implemented as a part of market rules.

It is therefore respectfully submitted that the Examiner has failed to rebut appellants' argument that "in claim 29 the trading volume limit is implemented as part of a market rule, and not for a particular transaction as in an IOC order". Allowance of claims 29 and 36 is in order even if the other claims herein are not deemed to be patentable.

* * * * *

As required, this Reply is submitted within two months after the mailing of the Examiner's Answer.

If any issues remain, or if the Examiner or the Board has any further suggestions for expediting allowance of the present application, kindly contact the undersigned using the information provided below.

Respectfully submitted,



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August¹¹, 2006
Date